

§Appl. No. 10/601,832
Amdt. dated October 30, 2007
Reply to Final Office Action of, August 10, 2007

REMARKS

The issues outstanding in the Final Office Action mailed August 10, 2007, are the objections to the claims, and the rejections under 35 U.S.C. §112 §102 and §103. Reconsideration of these issues, in view of the following discussion, is respectfully requested.

The Examiner is thanked for indicating the withdrawal of all prior rejections over art.

Objections To The Claims:

Claims 2 and 9 have been objected to because of various typographical informalities. The claims have been corrected and withdrawal of these rejections is respectfully requested.

Rejection Under 35 U.S.C. §112:

Claim 2 has been rejected under 35 U.S.C. §112, as a result of grammatical errors. The claim has been clarified, and it is submitted at this rejection is moot. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §103:

Various claims have been rejected over Quigley taken with Flepp, and various additional references. Reconsideration of each of these rejections is respectfully requested.

Rejection of Claims 1-3, 9, 11 13 and 14 over Quigley taken with Flepp:

As noted on page 4 of the Office Action, Quigley discloses a flexible pipe containing an unsealed metal flexible inner layer, and outer sealing layers at least one of which can be nylon, a polyamide. As admitted at page 5 of the Office Action, Quigley fails to explicitly teach that the inner layer (composite, or sealing layer) is a blend of a polyamide and polyolefin having a polyamide matrix. To remedy this deficiency, however, the Office Action cites Flepp which discloses a multilayer pipe having an inner layer of a blend of polyamide and polyolefin with a polyamide matrix, and argues that one of ordinary skill in the art would have used this layer as the mixture of the inner layer in Quigley, as such a layer is "quite known adhesion promoting

material for use as the material of an inner of a multilayer hose." While this sentence may be true, as far as it goes, what Flepp does *not* teach is that the layer is useful for adhering a polymer layer to a metal layer. It is thus clear that this rejection fails to support a conclusion of obviousness in the complete absence of any teaching or suggestion in any of the references to employ such a layer to seal metal.

In addition, with respect to claim 2, it is submitted that the combination of references fails to teach the outer layer of thermoplastic polymer (B) as a polyamide, a copolymer having polyamide blocks and polyether blocks, a blend of polyamide and copolymer having polyamide and polyether blocks, polyether esters or polyurethanes. This provides further basis for the rejection as it pertains to claim 2 and the claims dependent thereon.

With respect to claim 11 also included in this rejection, as admitted in the Office Action at page 8, Quigley fails to teach that the material of the inner layer, in contact with the fluid transported in the pipe, as a blend of polyamide and polyolefin having polyamide matrix, much less the other materials recited in claim 11. Again, the Office Action relies on Flepp to remedy this deficiency, but Flepp falls short. In particular, Flepp discloses what is argued to be a blend of polyamide and polyolefin as an adhesion promoting layer between a polyamide layer and an EVOH layer. Nothing teaches one of ordinary skill in the art that the polyamide plus compatibilizer of Flepp can be used *as an inner layer*, instead of an intermediate layer, much less as an inner layer in direct contact with fluid transported in an off-shored pipe. On this basis alone, withdrawal of the rejection as it pertains to claim 11 and claims dependent thereon is appropriate.

In addition, the combination of Quigley and Flepp further fails to suggest newly added claim 18, drawn to the embodiment of the invention wherein a polymer (A) is a copolymer having polyamide blocks and polyether blocks, a blend of polyamides and of copolymers having copolyamide blocks and polyether blocks and or a polyetherester. This provides even further basis for eliminating the rejection of these claims over this combination of references.

Claim 13 is submitted to be patentable on the same basis as explained above in claim 11 and claim 19 is submitted to be patentable on the same basis as claim 18.

Accordingly, the entirety of the above-noted rejection should be withdrawn.

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Claims 4, 5, 15 and 16 have been rejected under 35 U.S.C. §103 over Quigley taken with Flepp and Strassel:

Claims 4 and 5 are dependent upon claim 2 and are patentable for the reasons expressed therein, in as much as the citation of Strassel does nothing to remedy the deficiencies of Quigley and Flepp. Claims 15 and 16 are dependent on claim 13, which is also discussed above and patentable as noted. Withdrawal of this rejection is therefore also respectfully requested.

Claims 16 and 17 have been rejected under 35 U.S.C. §103 over Quigley, Flepp and Roeber:

Claim 6 is dependent upon claim 1, claim 17 is dependent on claim 11 and these claims are patentable for the reasons known above, in as much as Roeber does nothing to remedy the deficiencies of Quigley and Flepp. Withdrawal of this rejection is therefore also respectfully requested.

Claims 17 and 18 are rejected under 35 U.S.C. §103 over Quigley, Flepp and Hill:

Claim 7 is dependent upon claim 1, and claim 18 is dependent upon claim 11. These claims are patentable for the reasons discussed above, in as much as Hill does nothing to remedy the above-noted deficiencies of Quigley and Flepp. Withdrawal of this rejection is therefore also appropriate.

Conclusion:

As discussed above, the cited references are severely deficient in suggesting the constructs of the present claims. Withdrawal of all the rejections is appropriate, and is strongly urged.

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No fees are believed due with this response, however, The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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